

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

Index No.: _____/19

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JOHN DOE,Plaintiff designates
KINGS COUNTY
as place of trial.*Plaintiff,*

-against -

The basis of venue is the
defendant Diocese of
Brooklyn's principal place
of businessDIOCESE OF BROOKLYN and SACRED HEARTS
OF JESUS AND MARY & ST. STEPHEN ROMAN
CATHOLIC CHURCH,SUMMONS*Defendants.*Plaintiff resides in
Suffolk County-----X
To the above-named defendants:

YOU ARE HEREBY SUMMONED to answer the Complaint in this action and to serve a copy of your answer or, if the Complaint is not served with this Summons, to serve a notice of appearance, on the Plaintiff's attorneys within 20 days after the service of this Summons, exclusive of the day of service (or within 30 days after the service is complete if this Summons is not personally delivered to you within the State of New York), and in case your failure to appear or answer, judgement will be taken for the relief demanded herein.

A COPY OF THIS SUMMONS WAS FILED WITH THE CLERK OF THE COURT, KINGS COUNTY ON 10/28/19 IN COMPLIANCE WITH CPLR §§305(a) AND 306(a).

Dated: New York, New York
October 28, 2019

MERSON LAW, PLLC

By: Jordan K. Merson
Attorneys for Plaintiff
150 East 58th Street 34th Floor
New York, New York 10155
(212) 603-9100

Defendants' Addresses:

DIOCESE OF BROOKLYN

310 Prospect Park West
Brooklyn, New York 11215

**SACRED HEARTS OF JESUS
AND MARY & ST. STEPHEN
ROMAN CATHOLIC CHURCH**

125 Summit Street
Brooklyn, NY 11231

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

-----X
JOHN DOE,

Plaintiff,

Index No.: _____/19

-against -

DIOCESE OF BROOKLYN and SACRED HEARTS
OF JESUS AND MARY & ST. STEPHEN ROMAN
CATHOLIC CHURCH,

**VERIFIED
COMPLAINT**

Defendants.
-----X

Plaintiff¹, above-named, complaining of the defendants by MERSON LAW, PLLC,
respectfully alleges:

NATURE OF THE CLAIM

1. This is a case of sexual predator, Monsignor Anthony Danna ("Danna", or "Defendant"), being permitted to sexually abuse young children at church by the Diocese of Brooklyn ("Diocese").
2. In or about 1986 and continuing through approximately 1988, Defendant repeatedly sexually assaulted and abused Plaintiff ("Mr. Doe" or "Plaintiff"). Specifically, on several occasions and under several circumstances, Defendant sexually abused Mr. Doe by fondling Mr. Doe as he masturbated, performing oral sex on Mr. Doe, penetrating the anus of Mr. Doe with his fingers, and finally, attempting to rape Mr. Doe multiple times.
3. The abuses took place in the back storage room of Sacred Hearts of Jesus and Mary & St. Stephen Roman Catholic Church ("St. Stephen's").
4. At the time of the aforementioned sexual assaults, Plaintiff was a minor child.

¹ Plaintiff uses a pseudonym because he is a victim of a sex crime pursuant to N.Y. Civ. Rights § 50-b and other statutory and common law principles.

5. Danna was actively employed by the Diocese until his death in 2010. From about or around 1986 until about or around 1998, Danna presided over St. Stephen's. Following his tenure at St. Stephen's, Danna briefly presided over St. Finbar in Brooklyn from about or around 1996 until about or around 1999, before being transferred to Our Lady of the Miraculous Medal in Ridgewood, where he remained for the duration of his life.
6. The abuses occurred during Defendant's tenure at St. Stephen's from approximately 1996 to 1998, where, at the age of about ten or eleven years old, Mr. Doe was an altar boy.
7. Over a period of years, with appalling frequency, Defendant sexually abused Mr. Doe either before or after services. With two services a day, this would mean several incidents per month.
8. Danna would masturbate as he fondled Plaintiff, penetrate Plaintiff's anus with his fingers, force Plaintiff to fondle him, and would attempt to rape Mr. Doe, despite Mr. Doe's protests and resistance.
9. Indeed, Danna remained employed by the Diocese for the entirety of the remainder of his life.
10. As a child, there was not an opportunity for open dialogue about the egregious misconduct within the Diocese and Catholic Church at large, and so Plaintiff was never afforded a safe platform or opportunity to share and properly process his trauma.
11. As a product of this repressed trauma and psychological and emotional damage, as an adolescent and continuing into adulthood, Mr. Doe carried with him sentiments of hopelessness and distrustfulness which would manifest in difficulty developing and maintaining healthy relationships throughout his life.

12. In addition to the physical injuries from being assaulted, Plaintiff suffered, and will continue to suffer, permanent psychological trauma for the rest of his life.
13. The predatory, sexual attacks by Defendant on Plaintiff left him with severe and permanent physical and psychological injuries.

PARTIES

14. At all times herein mentioned, defendant **DIOCESE OF BROOKLYN** was a not-for-profit corporation incorporated in the State of New York and by virtue of the laws of the State of New York.
15. At all times herein mentioned, defendant **DIOCESE OF BROOKLYN** was located at 310 Prospect Park West, Brooklyn, New York 11215.
16. At all times herein mentioned, Danna was operating under the direction and control of defendant **DIOCESE OF BROOKLYN** and its agents, servants and/or employees.
17. At all times herein mentioned, Danna was an agent, servant and/or employee of defendant **DIOCESE OF BROOKLYN**.
18. At all times herein mentioned, defendant **SACRED HEARTS OF JESUS AND MARY & ST. STEPHEN ROMAN CATHOLIC CHURCH** was a not-for-profit corporation incorporated in the State of New York and by virtue of the laws of the State of New York.
19. At all times herein mentioned, defendant **SACRED HEARTS OF JESUS AND MARY & ST. STEPHEN ROMAN CATHOLIC CHURCH** was located at 125 Summit St., Brooklyn, NY 11231.

20. At all times herein mentioned, Danna was operating under the direction and control of defendant **SACRED HEARTS OF JESUS AND MARY & ST. STEPHEN ROMAN CATHOLIC CHURCH** and its agents, servants and/or employees.
21. At all times herein mentioned, Danna was an agent, servant and/or employee of defendant **SACRED HEARTS OF JESUS AND MARY & ST. STEPHEN ROMAN CATHOLIC CHURCH**.
22. At all times herein mentioned, defendants **DIOCESE OF BROOKLYN and SACRED HEARTS OF JESUS AND MARY & ST. STEPHEN ROMAN CATHOLIC CHURCH**, were agents, servants, employees and/or alter egos of each other.

FACTS OF THE CASE

23. Defendants **DIOCESE OF BROOKLYN and SACRED HEARTS OF JESUS AND MARY & ST. STEPHEN ROMAN CATHOLIC CHURCH**'s negligence and recklessness caused Danna to have access to children, including plaintiff, on Diocese premises, despite its knowledge that Danna sexually abused children and/or had the propensity to do so and therefore are responsible for the injuries that Plaintiff incurred because but for defendants **DIOCESE OF BROOKLYN and SACRED HEARTS OF JESUS AND MARY & ST. STEPHEN ROMAN CATHOLIC CHURCH**'s negligence, Plaintiff would not have suffered the mental and physical anguish inflicted by Danna. Defendants **DIOCESE OF BROOKLYN and SACRED HEARTS OF JESUS AND MARY & ST. STEPHEN ROMAN CATHOLIC CHURCH**'s gross negligence, reckless, wanton and/or willful conduct warrants punitive liability.
24. Danna was the Monsignor at St. Stephen's in Brooklyn, New York.
25. Mr. Doe was an altar boy at St. Stephen's in Brooklyn, New York.

26. Danna would sexually abuse Mr. Doe before and/or after services at St. Stephen's.
27. Danna would fondle him, perform oral sex on him, penetrate his anus with his fingers, and attempt to rape Mr. Doe over the course of about two years.
28. At the time of the incidents, Mr. Doe was a minor child of about ten or eleven years old.
29. Mr. Doe suffered sexual abuse at the hands of Defendant multiple times a month over the course of about two years.
30. As such, Plaintiff suffered catastrophic and lifelong injuries as a result of defendants **DIOCESE OF BROOKLYN and SACRED HEARTS OF JESUS AND MARY & ST. STEPHEN ROMAN CATHOLIC CHURCH**'s negligence in undertaking a duty to keep patrons, including young children like Mr. Doe, of its parishes safe from predators and failing to act in accord with that duty by allowing Danna, a known predator, to continue his role and position of authority where he would continue to have the opportunity to prey on young children, and the Diocese failed to adequately supervise Danna.
31. Due to defendants' unlawful conduct, Plaintiff has suffered catastrophic and lifelong injuries.

**AS AND FOR A FIRST CAUSE OF ACTION FOR
NEGLIGENCE AS TO DIOCESE OF BROOKLYN**

32. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 31., inclusive, with the same force and effect as if hereinafter set forth at length.
33. At all times mentioned herein, defendant **DIOCESE OF BROOKLYN** owed a duty of care in loco parentis to keep the children of its parishes, including Plaintiff, safe from

sexual abuse by its clergymen under its supervision and control, including on company premises, that ultimately befell Plaintiff, and they had a duty to supervise Danna.

34. At all times mentioned herein, defendant **DIOCESE OF BROOKLYN** and/or its agents, servants and/or employees breached the above-stated duty in a negligent, reckless, willful and wanton manner, and caused Plaintiff to be sexually assaulted.
35. As a result of the negligence of defendant **DIOCESE OF BROOKLYN** and/or its agents, servants and/or employees, Plaintiff was caused serious personal injuries, emotional distress, mental pain and suffering, mental anguish and/or physical manifestations thereof, and other losses, all of which have not as of yet been ascertained.
36. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendants in such sums as a jury would find fair, just and adequate.
37. By reason of the foregoing, Plaintiff is also entitled to punitive damages from defendants in such sums as a jury would find fair, just and adequate.
38. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
39. This action falls within exceptions to Article 16 of the C.P.L.R.

**AS AND FOR A SECOND CAUSE OF ACTION FOR NEGLIGENCE AS TO SACRED
HEARTS OF JESUS AND MARY & ST. STEPHEN ROMAN CATHOLIC CHURCH**

40. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 39., inclusive, with the same force and effect as if hereinafter set forth at length.
41. At all times mentioned herein, defendant **SACRED HEARTS OF JESUS AND MARY & ST. STEPHEN ROMAN CATHOLIC CHURCH** owed a duty of care in loco parentis to keep the children of its parishes, including Plaintiff, safe from sexual abuse by

its clergymen under its supervision and control, including on company premises, that ultimately befell the Plaintiff, and they had a duty to supervise Danna.

42. At all times mentioned herein, defendant **SACRED HEARTS OF JESUS AND MARY & ST. STEPHEN ROMAN CATHOLIC CHURCH** and/or its agents, servants and/or employees breached the above-stated duty in a negligent, reckless, willful and wanton manner, and caused Plaintiff to be sexually assaulted.

43. As a result of the negligence of defendant **SACRED HEARTS OF JESUS AND MARY & ST. STEPHEN ROMAN CATHOLIC CHURCH** and/or its agents, servants and/or employees, Plaintiff was caused serious personal injuries, emotional distress, mental pain and suffering, mental anguish and/or physical manifestations thereof, and other losses, all of which have not as of yet been ascertained.

44. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendants in such sums as a jury would find fair, just and adequate.

45. By reason of the foregoing, Plaintiff is also entitled to punitive damages from defendants in such sums as a jury would find fair, just and adequate.

46. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.

47. This action falls within exceptions to Article 16 of the C.P.L.R.

**AS AND FOR A THIRD CAUSE OF ACTION FOR NEGLIGENT
HIRING, RETENTION AND SUPERVISION AS TO DIOCESE OF BROOKLYN**

48. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 47., inclusive, with the same force and effect as if hereinafter set forth at length.

49. Defendant **DIOCESE OF BROOKLYN** had a duty to supervise and prevent known risks of harm to children and students of its parishes, including Plaintiff, by its clergymen.
50. Defendant was negligent in hiring, retaining and supervising their personnel, such as Danna, who was careless, unskillful, negligent, reckless and acted in a willful and wanton manner in not possessing the requisite knowledge and skill of priests and church officials who should have properly been supervising the priests to ensure the safety of the children of the parishes.
51. Defendant **DIOCESE OF BROOKLYN** knew or should have known Danna sexually abused and/or had the propensity to sexually abuse children, including plaintiff, and did nothing to stop it.
52. As a result of such negligent hiring, supervising and retention, Plaintiff was caused to suffer serious personal injuries, emotional distress, conscious pain and suffering, mental anguish and/or physical manifestations thereof, and other losses, all of which have not as of yet been ascertained.
53. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendants in such sums as a jury would find fair, just and adequate.
54. By reason of the foregoing, Plaintiff is also entitled to punitive damages from defendants in such sums as a jury would find fair, just and adequate.
55. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
56. This action falls within exceptions to Article 16 of the C.P.L.R.

**AS AND FOR A FOURTH CAUSE OF ACTION FOR NEGLIGENT
HIRING, RETENTION AND SUPERVISION AS TO SACRED HEARTS
OF JESUS AND MARY & ST. STEPHEN ROMAN CATHOLIC CHURCH**

57. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 56., inclusive, with the same force and effect as if hereinafter set forth at length.
58. Defendant **SACRED HEARTS OF JESUS AND MARY & ST. STEPHEN ROMAN CATHOLIC CHURCH** had a duty to supervise and prevent known risks of harm to children and students of its parishes, including Plaintiff, by its clergymen.
59. Defendant **SACRED HEARTS OF JESUS AND MARY & ST. STEPHEN ROMAN CATHOLIC CHURCH** was negligent in hiring, retaining and supervising their personnel, such as Danna, who was careless, unskillful, negligent, reckless and acted in a willful and wanton manner in not possessing the requisite knowledge and skill of priests and church officials who should have properly been supervising the priests to ensure the safety of the children of the parishes.
60. Defendant **SACRED HEARTS OF JESUS AND MARY & ST. STEPHEN ROMAN CATHOLIC CHURCH** knew or should have known Danna sexually abused and/or had the propensity to sexually abuse children and did nothing to stop it.
61. As a result of such negligent hiring, supervising and retention, Plaintiff was caused to suffer serious personal injuries, emotional distress, conscious pain and suffering, mental anguish and/or physical manifestations thereof, and other losses, all of which have not as of yet been ascertained.
62. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendants in such sums as a jury would find fair, just and adequate.

63. By reason of the foregoing, Plaintiff is also entitled to punitive damages from defendants in such sums as a jury would find fair, just and adequate.
64. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
65. This action falls within exceptions to Article 16 of the C.P.L.R.

**AS AND FOR THE FIFTH CAUSE OF ACTION FOR NEGLIGENT
INFLICTION OF EMOTIONAL DISTRESS AS TO DIOCESE OF BROOKLYN**

66. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 65., inclusive, with the same force and effect as if herein set forth at length.
67. Defendant **DIOCESE OF BROOKLYN** and their agents, servants and/or employees, knew or reasonably should have known that the failure to properly advise, supervise and hire Danna, the priest who sexually abused Plaintiff, would and did proximately result in physical and emotional distress to Plaintiff.
68. Defendant **DIOCESE OF BROOKLYN** and their agents, servants and/or employees knew or reasonably should have known that the sexual abuse and other improper conduct would and did proximately result in physical and emotional distress to Plaintiff.
69. Defendant had the power, ability, authority and duty to intervene with and/or stop the improper conduct that resulted in Plaintiff being sexually abused by Danna.
70. Despite said knowledge, power and duty, defendant negligently failed to act so as to stop, prevent, and prohibit the improper conduct that resulted in Danna sexually abusing Plaintiff.
71. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.

72. This action falls within exceptions to Article 16 of the C.P.L.R.

**AS AND FOR THE SIXTH CAUSE OF ACTION FOR NEGLIGENT
INFLICTION OF EMOTIONAL DISTRESS AS TO SACRED HEARTS
OF JESUS AND MARY & ST. STEPHEN ROMAN CATHOLIC CHURCH**

73. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 72., inclusive, with the same force and effect as if herein set forth at length.

74. Defendant **SACRED HEARTS OF JESUS AND MARY & ST. STEPHEN ROMAN CATHOLIC CHURCH** and their agents, servants and/or employees, knew or reasonably should have known that the failure to properly advise, supervise and hire Danna, the priest who sexually abused Plaintiff, would and did proximately result in physical and emotional distress to Plaintiff.

75. Defendant **SACRED HEARTS OF JESUS AND MARY & ST. STEPHEN ROMAN CATHOLIC CHURCH** and their agents, servants and/or employees knew or reasonably should have known that the sexual abuse and other improper conduct would and did proximately result in physical and emotional distress to Plaintiff.

76. Defendant had the power, ability, authority and duty to intervene with and/or stop the improper conduct that resulted in Plaintiff being sexually abused by Danna.

77. Despite said knowledge, power and duty, defendant negligently failed to act so as to stop, prevent, and prohibit the improper conduct that resulted in Danna sexually abusing Plaintiff.

78. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.

79. This action falls within exceptions to Article 16 of the C.P.L.R.

WHEREFORE, Plaintiff demands judgement against defendants in such sum as a jury would find fair, adequate and just.

Dated: New York, New York
October 28, 2019

MERSON LAW, PLLC

By: _____



Jordan K. Merson
Attorney for Plaintiff
150 East 58th Street 34th Floor
New York, New York 10155
(212) 603-9100

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS-----X
JOHN DOE,*Plaintiff,*

Index No.: _____/19

-against -

**ATTORNEY
VERIFICATION****DIOCESE OF BROOKLYN and SACRED HEARTS
OF JESUS AND MARY & ST. STEPHEN ROMAN
CATHOLIC CHURCH,***Defendants.*
-----X

JORDAN K. MERSON, an attorney duly admitted to practice in the Courts of New York State and a member of the firm **MERSON LAW, PLLC**, attorneys for the plaintiff in the within action, hereby affirms under penalty of perjury:

That he has read the within complaint and knows the contents thereof, and that the same is true to his own knowledge, except as to the matters therein stated to be alleged upon information and belief, and that as to those matters he believes it to be true;

That the sources of his information and knowledge are investigations and records in the file; and

That the reason this verification is made by affirm ant and not by the plaintiff is that the Plaintiff is not within the County where the attorney has his office.

Dated: New York, New York
October 28, 2019



JORDAN K. MERSON

Index No.

Year 2019

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

JOHN DOE,

Plaintiff,

- against -

DIOCESE OF BROOKLYN and SACRED HEARTS OF JESUS AND
MARY & ST. STEPHEN ROMAN CATHOLIC CHURCH,

Defendants.

ORDER TO SHOW CAUSE WITH
TEMPORARY RESTRAINING ORDER

Merson Law, PLLC

Attorneys for Plaintiff

Office and Post Office Address, Telephone

150 East 58th Street 34th

Fl.

New York, New York

10155

(212) 603-9100

To: All Parties
